

**2**  
Curt F. Hennecke, Bar No.: 217109  
**Younger & Hennecke, LLP**  
1610 Arden Way, Suite 265  
Sacramento, CA 95815  
(916) 564-8100 Telephone  
(916) 564-8116 Fax

Attorney for Debtor

**UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION**

In re:  
  
MARC ANTHONY CLARK BAES,  
  
Debtor.

Case No: 10-32273-C-7  
DC No: CFH-3

Chapter 7

Date: September 7, 2010  
Time: 9:30 am  
Place: 501 I Street, 6<sup>th</sup> Floor,  
Courtroom 35, Sacramento, CA

**MOTION TO COMPEL CHAPTER 7 TRUSTEE  
TO ABANDON PROPERTY OF THE ESTATE**

**TO THE HONORABLE CHRISTOPHER M. KLEIN, J. MICHAEL HOPPER/CHAPTER 7  
TRUSTEE, AND ALL OTHER INTERESTED PARTIES:**

Marc Anthony Clark Baes (“Debtor”) hereby moves this Court for an Order Granting Debtor’s MOTION TO COMPEL CHAPTER 7 TRUSTEE TO ABANDON PROPERTY OF THE ESTATE based upon the following grounds:

1. Debtor originally filed a Chapter 7 bankruptcy case, bearing the case number 10-32273-C-7 on May 10, 2010.
2. Debtor’s pay check was garnished by the Solano County Sheriffs Department (“Sheriff”) on behalf of Beneficial California Inc. in the amount of \$962.53. These funds are still being held by the Sheriff but will be released to the Chapter 7 Trustee once the Court grants Debtor’s motion to Avoid Judgment lien of Beneficial California, Inc. Debtor has listed “potential

1 return of wages garnished and held by Sheriff as a result of judgment on Beneficial California  
2 vs. Marc Baes, Case No: FCM10-5016" in the amount of \$3,000.00 on Schedule B of his  
3 voluntary petition. A true and correct copy of Schedule B of the Debtor's Voluntary Petition  
4 is filed concurrently herewith as Exhibit "A" and incorporated herein by reference. Debtor  
5 has filed a Motion to Avoid the Judgment lien of Beneficial California Inc. Once the Sheriff's  
6 receives the order avoiding judgment lien of Beneficial California Inc., it will release the  
7 funds to J. Michael Hopper, the Chapter 7 Trustee assigned to the Debtor's case.

- 8 3. Debtor asks that the funds release by the Sheriff to the Chapter 7 Trustee be abandoned,  
9 namely \$962.53 in garnished wages.
- 10 4. The garnished funds listed herein have a liquidation value of \$962.53, which is fully exempt  
11 under the California Code of Civil Procedure. A true and correct copy of Schedule C of the  
12 Debtor's Voluntary Petition is filed concurrently herewith as Exhibit "B" and incorporated  
13 herein by reference.
- 14 5. The equity in Property is exempted pursuant to C.C.P. Sections 703.140(b)(5) as set forth in  
15 Debtor's Schedule C filed concurrently herewith in the List of Exhibits.
- 16 6. As the Property is protected and exempted, it is of inconsequential value to the bankruptcy  
17 estate, and there is nothing for the Trustee to administer to unsecured creditors.

18  
19  
20 DATED: August 4, 2010

/s/ Curt F. Hennecke  
Curt F. Hennecke  
Attorney for Debtor